GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:65
ANSWERED ON:30.11.2015
Mining Policy in Tribal Areas
Puttaraju Shri C.S.

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the Government has studied the impact of coal mining policy on the tribal welfare and whether its social binding fabric is being broken down due to mining related activities in tribal areas;

(b) if so, whether the Government proposes to take up immediate study and change Government's policy including mining policy in tribal areas and also on various other issues to protect the tribal culture and system; and

(c) if so, the time by which final decision in this regard is likely to be taken?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI MANSUKHBHAI DHANJIBHAI VASAVA)

(a): As per information received from Ministry of Coal, there is no such proposal.

(b): The Constitution of India provides safeguards to the Scheduled Tribes. In recent years The Panchayats (Extension to Scheduled Areas) Act, 1996, Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, The Coal Mines (Special Provisions) Act, 2015 and The Mines and Minerals (Development and Regulation) Amendment Act, 2015 have been enacted towards this.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act, 2013) very clearly stipulates that as far as possible, no acquisition of land shall be made in the Scheduled Areas; where such acquisition does take place it shall be done only as a last resort. Further, in case of acquisition or alienation of any land in the Scheduled Areas, the prior informed consent of the concerned Gram Sabha or the Panchayats or the Autonomous District Councils will have to be obtained. The affected Scheduled Tribes families are also required to be properly resettled and adequately compensated for in accordance with the provisions of the LARR Act, 2013.

The Coal Mines (Special Provisions) Act, 2015 also stipulate for acquisition of land for coal mining purpose in accordance with the provisions of the LARR Act, 2013, thus implying that the safeguards for the Scheduled Tribes as laid down in the LARR Act, 2013 will have to be followed while acquiring land for coal mining.

The Mines and Minerals (Development and Regulation) Amendment Act, 2015 also stipulates that the State Governments while making rules for the District Mineral Foundation shall keep the provisions contained in Article 244 read with Fifth and Sixth Schedules to the Constitution , PESA Act, 1996 and the Forest Rights Act, 2006 in view.

(c): Question does not arise in view of replies to parts (a) and (b) above.
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